



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,781	12/29/2003	Frederick A. Jelley	60130-1734;02MRA364,368	6425

26096 7590 11/20/2007  
CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009

EXAMINER
----------

BURCH, MELODY M

ART UNIT	PAPER NUMBER
----------	--------------

3683

MAIL DATE	DELIVERY MODE
-----------	---------------

11/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/747,781	Applicant(s) JELLEY ET AL.	
	Examiner Melody M. Burch	Art Unit 3683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 12-22 is/are pending in the application.  
     4a) Of the above claim(s) 7 and 16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 3 is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 8, 12-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-6, 8, 12-15, and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 3921764 to Mathauser.

Re: claims 1, 12-15, 17, and 18. Mathauser shows in figures 4 and 5 a self-energizing brake assembly comprising a support 48,49,51,52,55 pivotally mounted at an angle relative to a rotatable brake member RW and a friction member 30',31',53 pivotally mounted relative to the support and slideable along the support between engaged figure 5 and disengaged figure 4 positions with the rotatable brake member to generate a braking force between the friction member and the rotatable brake member wherein the angle of the support is variable for controlling a self-energizing gain in the braking force.

Re: claims 4 and 6. Mathauser shows in figure 5 the assembly comprising an adjustable member 38' biasing the support toward the rotatable brake member.

Re: claim 5. Mathauser shows the assembly comprising a compliant member 40 as best shown in figure 2.

Re: claim 8. Mathauser shows in figures 4 and 5 a drive actuator 38' to apply a force to the friction member by decreasing the angle between the rotatable brake member and the support.

Re: claims 19-22. Mathauser shows in figures 4 and 5 a self-energizing brake assembly comprising a support 48,49,51,52,55 pivotally mounted at an angle relative to a rotatable brake member RW, a brake pad friction element 30',31',53, 54 pivotally attached to a base 50,56, slideable along the support, particularly portion 52 of the support between an engaged position and a disengaged position with the rotatable member to generate a brake force against movement of the rotatable member wherein the braking force comprises an applied force and a gain component generated in excess of the applied force, and an actuator or the manual means used to adjust 27' within 28 for varying the angle of the support for controlling the gain component of the braking force.

***Allowable Subject Matter***

3. Claims 2 and 3 are allowed.

***Response to Arguments***

4. Applicant's arguments filed 9/10/07 have been fully considered but they are not persuasive. With regards to claim 1, Examiner notes that the claim requires "a friction member pivotally mounted relative to the support and slideable along said support between engaged and disengaged positions." Applicant argues that the Mathauser reference includes a pivotally attached friction element 31' and therefore "cannot

anticipate the claimed support that is slideable." Examiner disagrees and notes that the friction member is interpreted as including elements 30',31', and 53 and the support is interpreted as including elements 48,49,51,52,55. With such an interpretation it is clear from the illustrations in figures 4 and 5 of Mathauser that the friction member is pivotally mounted relative to the support at element 55 and slideable along the support between engaged and disengaged positions by virtue of it being pivotable relative to the support. Examiner maintains that a pivot is a rotational slide. With regards to claim 19, Examiner notes that the claim requires "a brake pad friction element pivotally attached to a base slideable along said support between an engaged position and a disengaged position." For claim 19, Examiner has interpreted the brake pad friction element to include 30',31',53,54, the base to include 50,56, and the support to include 48,49,51,52,55. It is clear from the Mathauser drawings that the brake pad friction element or, particularly, portion 54 of the brake pad friction element is pivotally attached to the base or, particularly, portion 56 of the base slideable along the support at element 52. Accordingly, the rejections have been maintained.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Application/Control Number:  
10/747,781  
Art Unit: 3683

Page 5

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb  
November 15, 2007

*Melody M. Burch*  
**Melody M. Burch**  
**Primary Examiner**  
**Art Unit 3683**  
*11/15/07*